

Before the
Federal Communications Commission
Washington, D.C. 20554

Cable Television Association of Georgia, <i>et al.</i> ,)	
Complainants)	File No. PA 98-004
)	
v.)	
)	
BellSouth Telecommunications, Inc.,)	
Respondent.)	

ORDER

Adopted: October 30, 2002

Released: October 31, 2002

By the Assistant Chief, Enforcement Bureau:

1. On July 19, 2002, the Enforcement Bureau released an Order, DA 02-1733 ("Bureau Order"), which resolved a complaint filed by Cable Television Association of Georgia, *et al.*, ("CTAG") against BellSouth Telecommunications, Inc., ("BellSouth"), pursuant to the Pole Attachment Act¹ and Subpart J of Part 1 of the Commission's rules.² On August 8, 2002, CTAG filed a Petition for Reconsideration or in the Alternative for a Clarifying Order. On August 13, 2002, BellSouth filed an unopposed Petition for Limited Waiver of Refund Payment Date and on August 22, 2002, an Opposition to CTAG's Petition. On August 27, 2002, CTAG replied to the Opposition.

2. In the Bureau Order, the Enforcement Bureau approved CTAG's annual pole attachment rate calculation for 1998, but left subsequent rate calculations open for negotiation by the parties. On October 2, 2002, CTAG and BellSouth filed a Joint Motion indicating that the parties had reached an agreement concerning the pole attachment rates beginning in 1999. In their Joint Motion, the parties request that the Petition for Reconsideration and subsequent pleadings be withdrawn, that the Complaint concerning the post 1998 rates be dismissed and that the proceedings be terminated with prejudice. In addition, the parties request that BellSouth's Petition for Limited Waiver be granted.

3. On the basis of the statements contained in the Joint Motion, we conclude that there are no longer issues in controversy and therefore, we accept the withdrawal of the pleadings, dismiss the Complaint with respect to unresolved post-1998 rate calculations and terminate the proceeding with prejudice. We also grant BellSouth's unopposed request for a short extension of the time for payment of refunds.

¹ Section 224 of the Communications Act of 1934, *as amended*, 47 U.S.C. §224.

² 47 C.F.R. §§1.1401-1.1418.

4. Accordingly, IT IS ORDERED, pursuant to Sections 0.111, 0.311 and 1.1415 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311 and 1.1415, that the referenced complaint IS DISMISSED WITH PREJUDICE TO THE EXTENT INDICATED HEREIN and this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Kathleen F. Costello
Assistant Chief, Enforcement Bureau